

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

ANGELA GAYLE O'NEAL,)
)
Petitioner,)
)
vs.) No. CIV-09-501-C
)
MILLICENT NEWTON-EMBRY,)
Warden,)
)
Respondent.)

ORDER ADOPTING REPORT AND RECOMMENDATION

This action for habeas corpus relief brought by a prisoner, proceeding pro se, was referred to United States Magistrate Judge Bana Roberts, consistent with the provisions of 28 U.S.C. § 636(b)(1)(B). Judge Roberts entered a Report and Recommendation on February 10, 2010, to which Petitioner has timely objected. The Court therefore considers the matter de novo.

The facts and relevant law are set out in full in the accurate and well-reasoned opinion of the Magistrate Judge and no point would be served in repeating that analysis. There is nothing asserted by the Petitioner which was not fully considered and correctly rejected by the Magistrate Judge, and no argument of fact or law is set forth in the objection which would require a different result.

Accordingly, the Court adopts, in its entirety, the Report and Recommendation of the Magistrate Judge, and for the reasons announced therein, the Respondent's motion to dismiss

will be granted without prejudice unless, within 20 days of this date, Petitioner files an amended petition presenting only her exhausted claim (that her plea was involuntarily entered because the trial court failed to advise her that her sentence was subject to Oklahoma's 85% Rule).

IT IS SO ORDERED this 18th day of March, 2010.



ROBIN J. CAUTHRON
United States District Judge